



Docket No.: 246628US2 CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/737,120
Applicants: Takao SHINOZAWA, et al.
Filing Date: December 17, 2003
For: HOMOLOGY ANALYSIS SYSTEM, HOMOLOGY
ANALYSIS METHOD, HOMOLOGY ANALYSIS
PROGRAM, AND TRANSACTION
ESTABLISHMENT SYSTEM
Group Art Unit: 1631
Examiner: LIN, J.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of - is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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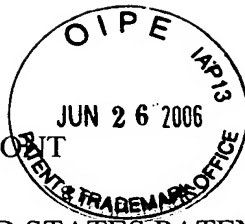
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Remus F. Fetea, Ph.D.
Limited Recognition No. L0037

DOCKET NO: 246628US2 CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKAO SHINOZAWA, ET AL. : EXAMINER: LIN, J.
SERIAL NO: 10/737,120 :
FILED: DECEMBER 17, 2003 : GROUP ART UNIT: 1631
FOR: HOMOLOGY ANALYSIS SYSTEM, :
HOMOLOGY ANALYSIS
METHOD, HOMOLOGY
ANALYSIS PROGRAM, AND
TRANSACTION ESTABLISHMENT
SYSTEM

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated May 26, 2006, Applicants provisionally elect, with traverse, Species A, Claims 1-4, 6, 8, and 10-18 for further examination on the merits in the present application. Claims 1-3 and 10-18 are generic.

Applicants respectfully traverse the Restriction Requirement because the PTO has not carried forward its burden of proof to establish that searching and examining the noted sets of claims would be an undue burden.

In particular, MPEP § 803 states:


If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner. Thus, it is believed that an examination on the merits of Claims 1-18 is in order and it is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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